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CHAUNCEY'S PLAT OF BOTTOM LANDS AND ROSA'S
ADDITION
Plat Vacation

STAFF REPORT
June 15, 2006

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, Jerry D. O'Bryan and Jan E. O'Bryan, represented by attorney Daniel A. Teder and C & S Engineering, are requesting the vacation of part of Lot 6 in Rosa's Addition to the City of West Lafayette and also part of Lot 12 in Chauncey's Plat of Bottom Lands in the City of West Lafayette. The plat vacation is needed in order to build and renovate the existing structures that will house a restaurant and pub called Nine Brother's Irish Pub. The site is located in the larger triangle formed by North River Road, Howard Avenue and Brown Street immediately north of the Econo Lodge and is identified by two addresses: 119 Howard Avenue and 142 N. River Road, West Lafayette, Wabash 20(SW) 23-4.

AREA ZONING PATTERNS:

The site is zoned CBW, Central Business District - West Lafayette, and FP, Flood Plain. The FP zoning is a remnant from a larger area that existed prior to several successful flood certifications, which were submitted by individual landowners. Most of the remaining FP zoning still exists simply because the properties have not been certified out by landowners and in many cases, it is not necessary until the site is redeveloped. Many of the surrounding properties are also zoned CBW, with planned development zoning to the east, west and south.

The most recent changes in zoning in the area were for the Speedway gas station (GB to PDNR, Z-2242) and the Capp & Gino's building (CBW to PDNR, Z-2160) located southeast and west, respectively, from the site in question.

AREA LAND USE PATTERNS:

A carwash had been located in the southern portion of the building, but has recently been removed. The northern portion of the building is still occupied by The Hair Man salon. The land in question will be redeveloped to build and renovate the building for a restaurant called Nine Brother's Irish Pub. Surrounding this area are a mix of old and new commercial uses. To the east are three restaurants: El Rodeo; China Buffet; and the new Spotted Dog. Further east is a large parking lot associated with Levee Plaza and a now defunct miniature golf course. Directly south of the site is the Econo Lodge and Bruno's. Other uses in this area include Puccini's restaurant, Goodyear Tire, a laundromat and the Village Bottle Shop. Several fraternities are located on the west side of North River Road.

TRAFFIC AND TRANSPORTATION:

Petitioners' property is located along North River Road, which is classified as an urban primary arterial and Howard Avenue, which is classified as an urban local road.

Petitioners received a parking variance from the ABZA on May 25, 2006 to allow 36 parking spaces instead of the required 48 spaces (BZA-1719).

STAFF COMMENTS:

The two plats in this request date back more than 100 years and have become obsolete. The Chauncey's Plat of Bottom Lands from 1866 has lots that average several acres in size. The existing land uses in this urbanized area do not reflect the plat. Rosa's Addition to West Lafayette, platted in 1890, also has outlived its purpose. The six lots of this plat, except the portion in this request, are all under a single ownership and a motel was built here many years ago over the lot lines. Additionally, the front halves of these lots have all been acquired by INDOT for US 231 right-of-way.

Pursuant to Indiana Code 36-7-3, the Area Plan Commission must make the following findings and conclusions in order to approve this proposed plat vacation.

- 1) Petitioners' **are** the owners of said lots;

It is Staff's opinion that (see Subdivision Vacation Ballot items):

- 2) Conditions in the platted area **have** changed so as to defeat the original purpose of the plats. The Chauncey's Plat of Bottom Lands was laid out in 1866. At that time, large lots averaging several acres made sense. Now the area is part of an active urban center for the community with an increasing density of both commercial and residential uses. Both the Rosa's plat of 1890 and the Bottom Lands plat are outdated and do not reflect the existing development.
- 3) It **is** in the public interest to vacate part of these plats. The vacation of a portion of these two lots will allow for redevelopment of this highly visible location in West Lafayette's new downtown. The proposed restaurant and pub will enhance this part of the Levee area and the new lot will be of similar size to surrounding lots.
- 4) The value of that part of the land in the plat not owned by the petitioner **will not** be diminished by the vacation because none of the current lot configurations reflect the original intent of these plats.

STAFF RECOMMENDATION:

Approval

